

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

James Chappell,

Petitioner

v.

William Gittere, et al.,

Defendants

Case No.: 2:16-cv-00645-JAD-VCF

**Order Denying as Moot Petitioner's
Motion to Strike and Granting Motion for
Extension of Time**

[ECF No. 98, 102]

Petitioner Chappell filed a motion to strike or, in the alternative, motion for more definite statement¹ in response to respondents' motion to dismiss.² In their motion to dismiss, respondents argue that Chappell's second amended petition is untimely and that I must dismiss all grounds for relief that do not relate back to a timely petition.³ With his motion to strike, Chappell argues that the respondents failed to identify in their motion to dismiss the particular claims that do not relate back. In their response to Chappell's motion, respondents clarify that Claim Thirteen (D) is the only claim for which they are raising a relation back argument.⁴ With this clarification, which Chappell accepts as sufficient,⁵ Chappell's motion to strike is now moot.

IT IS THEREFORE ORDERED that Chappell's motion to strike or, in the alternative, motion for more definite statement [ECF No. 98] is **DENIED as moot**.

IT IS FURTHER ORDERED that Chappell's motion to extend time to file a response to

¹ ECF No. 98.

² ECF No. 96.

³ *Id.* at 39-41.

⁴ ECF No. 99.

⁵ See ECF No. 100 at 2 ("The State's opposition to Chappell's motion therefore does not in fact oppose Chappell's motion, but instead answers the very problems Chappell sought to have addressed.").

1 the motion to dismiss **[ECF No. 102] is GRANTED. Chappell's response to respondents'**
2 **motion to dismiss (ECF No. 96) is due on or before October 18, 2024.** In all other respects,
3 my scheduling order of December 20, 2022, (ECF No. 58) remains in effect.

4 Dated: August 19, 2024

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6 Jennifer A. Dorsey
7 United States District Judge
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